

Date of decision: March 15,1996

For Approval and Signature:

The Hon'ble Mr.Justice N.J.Pandya

The Hon'ble Mr.Justice A.R.Dave

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or an..  
  
thereunder?
5. Whether it is to be circulated to the Civil Judge?

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Mr.Munshaw, L.A. for the appellant  
Mr.Shah, for the respondents  
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Coram: N.J.Pandya & A.R.Dave,JJ.  
March 15,1996

ORAL JUDGMENT (Per N.J.Pandya,J.)  
Admit.

Learned Advocate Mr.Shah appears for the respondents. From the cause title name of respondent no.2 has been taken, as arrayed before the trial Court, as one of the opponents in the claim case because he was driving the road-roller which caused the incident. However, as noted in the trial Court Judgement, the said driver is no more.

2. The road-roller was given to respondent no.3 i.e. original opponent no.3 before the trial Court and as such his presence is not necessary before us.

3. With the consent of the contesting parties i.e. the appellant-original opponent no.2 and original claimant respondent no.1, the matter is being disposed of finally.

4. Motor Accident Claim Case No.16 of 1986 of the Tribunal at Junagadh came to be dealt with by the auxiliary Tribunal by judgment dated 25th August 1994. Except the multiple employed by the learned Judge, there is no other dispute. The base figure taken by him i.e. Rs.315/- is not complained about, but the multiple given thereto after bringing about the annual dependency figure on that basis is the main point of contention.

5. In our opinion, this could not have been given and it has been laid down clearly by the Supreme Court in 1994 ACJ 1--Susamma's case. If the mistake is rectified, the position is that the base figure of Rs.315x12x15 will work out to the total figure of Rs.56,700/- to be awarded to the claimant by way of future economic loss. To this is added the remaining amount of Rs.35,000/- as awarded by the trial Court about which, as stated above, there is no dispute. The total amount thus awarded comes to Rs.91,700/- against the total amount of Rs.1,10,600/- awarded by the tribunal.

6. The appeal stands allowed to that extent. The original opponents are directed to deposit the amount on or before 26th March 1996 and on amount being deposited, the Tribunal is free to pass necessary order as to disbursement of the said amount. No order on C.A.

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